

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:18-cv-00188-MR**

JAMES C. MCNEILL,

Plaintiff,

vs.

**MARQUHNE BENJAMIN JOHNSON,
et al.,**

Defendants.

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ORDER

THIS MATTER is before the Court *sua sponte* in response to recent developments in the outbreak of novel coronavirus in the United States and the State of North Carolina.

In light of the public health considerations more fully described in the Standing Orders of the Chief Judge of the District [see Case No. 3:20-mc-00048], and given both the Court's reduced ability to obtain an adequate spectrum of jurors and the reduced availability of attorneys and Court staff to be present in courtrooms, the Court concludes that the jury trial of this matter should be continued to the first mixed term beginning on or after May 10, 2021.

In light of this Order, the Writ of Habeas Corpus ad Testificandum for the incarcerated Plaintiff's attendance at trial will be vacated and reissued for a trial at a later date.

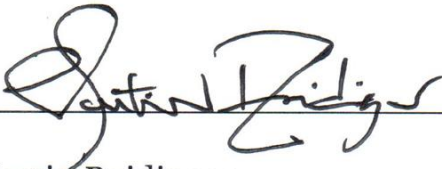
IT IS, THEREFORE, ORDERED that this matter is hereby **CONTINUED** from the January 11, 2021 mixed trial term to the first mixed trial term beginning on or after May 10, 2021.

IT IS FURTHER ORDERED that the Writ of Habeas Corpus ad Testificandum [Doc. 83] is **VACATED** and will be reissued at a later time.

The Clerk of Court is respectfully directed to send a copy of this Order to all parties, the U.S. Marshal, and the Warden of the Polk Correctional Institution, Box 2500, Butner, NC 27509.

IT IS SO ORDERED.

Signed: December 18, 2020



Martin Reidinger
Chief United States District Judge

